

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

Melissa Cunningham,

Plaintiff, : Case No. 3:08-cv-300

- vs -

District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz

Commissioner of Social Security, :

Defendant. :

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #15), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that the Commissioner's decision that Plaintiff was not disabled outside the closed period is reversed. This matter is remanded for further administrative proceedings and any other proceedings necessary to make a determination as to whether Plaintiff is entitled to benefits outside the closed period.

August 11, 2009.

**\*S/THOMAS M. ROSE**

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Thomas M. Rose  
United States District Judge